UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

٠				
ı	n	r	Δ	•
L	ш	ш	ᆫ	

JAMES JOHN KUBASKO

* Debtor(s)

Case Number: 5-20-00462

Chapter:

CERTIFICATE OF MAILING

The undersigned employee in the office of:

Tullio DeLuca, Esquire

hereby certifies that a copy of the attached Notice and Second Amended Plan was mailed today to all parties named on the mailing list attached hereto by regular first class mail.

DATED: October 18, 2021

TITLE: Legal Assistant

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF PENNSYLVANIA

In Re:				
James Kubasko		Chapter:	13	
		Case No.:	5-20-00462	
Debto	or(s)			
	- 1			
	NOT	ICE		
The confirmation hearing on the 2nd Amended Plan ("Plan") has been scheduled for the Debtor(s) at the following date, time, and location:				
Date: 11/23/2021	Date: 11/23/2021 Time: 9:30 AM			
Location: 197 S Main St, Courtroom #2, M	Max Rosen	n US Courthouse, W	Vilkes-Barre, PA 18701	
The deadline for filing objections to confirmation of the Plan is: 11/16/2021 . Evidentiary hearings will not be conducted at the time of the confirmation hearing. If it is determined at the confirmation hearing that an evidentiary hearing is required, an evidentiary hearing will be scheduled for a future date. A copy of the Plan is enclosed with this Notice. A copy may also be obtained from the case				
docket through PACER or from the Bankruptcy Clerk's Office. Requests to participate in a hearing telephonically shall be made in accordance with Local Bankruptcy Rule 9074-1(a).				
Date: 10/18/2021 File	ed by:	Tullio DeLuc	ca, Esquire	
		381 N. 9th A	venue	
		Scranton, PA	18504	

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	CHAPTER 13
JAMES JOHN KUBASKO	GASE NO. 5 20 00462
a/k/a James J. Kubasko a/k/a James Kubasko	CASE NO. 5-20-00462
a/k/a James John Kubasko, Jr.,	į
a/k/a James J. Kubasko, Jr.,	
a/k/a James Kubasko, Jr.,	
	ORIGINAL PLAN
	X 2 nd AMENDED PLAN (Indicate 1 ST , 2 ND ,
	3^{RD} , etc)
	Number of Motions to Avoid Liens
	Number of Motions to Value Collateral
Ċ	CHAPTER 13 PLAN

NOTICES

Debtors must check one box on each line to state whether of not the plan includes each of the following items: If an item is checked as "Not Included" or if both boxes are checked or if neither box is checked, the provision will be ineffective if set out later in the Plan.

1	The plan contains nonstandard provisions, set out in §9, which are not included in the standard plan as approved by the U.S. Bankruptcy Court for the Middle District of Pennsylvania.	*	Included		Not Included
2	The plan contains a limit on the amount of a secured claim, set out in §2.E, which may result in a partial payment or no payment at all to the secured creditor.	*	Included		Not Included
3	The plan avoids a judicial lien or nonpossessory, nonpurchase-money security interest, set out in §2.G		Included	*	Not Included

YOUR RIGHTS WILL BE AFFECTED

READ THIS PLAN CAREFULLY. If you oppose any provision of this plan, you must file a timely written objection. This plan may be confirmed and become binding on you without further notice or hearing unless a written objection is filed before the deadline stated on the Notice issued in connection with the filing of the Plan.

1. PLAN FUNDING AND LENGTH OF PLAN.

A. Plan Payments From Future Income

1. To date, the Debtor paid \$3514.00 (enter \$0 if no payments have been made to the Trustee to date). Debtor shall pay to the Trustee for the remaining term of the plan the following payments. If applicable, in addition to monthly plan payments, Debtor shall make conduit payments through the Trustee as set forth below. The total base plan is \$238,973.61, plus other payments and property stated in §1B below:

Start mm/yyyy	End mm/yyyy	Plan Payment	Estimated Conduit Payment	Total Monthly Payment	Total Payment Over Plan Tier
03/2020	10/2021	\$	\$0.00	\$	\$3514.00
11/2021	12/2021	\$150.00	\$0.00	\$150.00	\$300.00
01/2022	01/2022	\$235,159.61	\$0.00	\$235,159.61	\$235,159.61
Ì				Total Payments:	\$238,973.61

- 2. If the plan provides for conduit mortgage payments, and the mortgagee notifies the Trustee that a different payment is due, the Trustee shall notify the Debtor and any attorney for the Debtor, in writing, to adjust the conduit payments and the plan funding. Debtor must pay all post-petition mortgage payments that come due before the initiation of conduit mortgage payments.
- 3. Debtor shall ensure that any wage attachments are adjusted when necessary to conform to the terms of the plan.
 - 4. CHECK ONE: (X) Debtor is at or under median income. If this line is checked, the rest of §1.A.4 need not be completed or reproduced.
 - () Debtor is over median income. Debtor calculates that a minimum of \$ 0.00 must be paid to allowed unsecured creditors in order to comply with the Means Test.

B. Additional Plan Funding From Liquidation of Assets/Other

1. The Debtor estimates that the liquidation value of this estate is \$ 260,000.00 (Liquidation value is calculated as the value of all non-exempt assets after the

Desc

deduction of valid liens and encumbrances and before the deduction of Trustee fees and priority claims.)

	2,	Number	1 ayment				
Name	of Creditor	Last Four Digits of Account Number	Estimated Monthly Payment				
	by the Debtor to	ection and conduit payments in the so the Trustee. If the Trustee will did of claim has been filed as soon as put the Debtor.	sburse these payments for				
<u>X</u>	None. If "None" is checked, the rest of §2.A need not be completed or reproduced.						
A.	Pre-Confirma	tion Distributions. Check one.					
SECU	URED CLAIMS						
	Trustee as follo	JWS	•				
3.	Other payments from any source(s) (describe specifically) shall be paid to the						
	The Debtor shall conduct auction of the properties on or before March 31, 2022						
2.	proceeds in the and designated shall be comple	In addition to the above specified plan payments, Debtor shall dedicate to the plan proceeds in the estimated amount of \$235,159.61 from the sale of property known and designated as 79 West Shore Dr., Jefferson Township, PA 18436. All sales shall be completed by December 31, 2021. If the property does not sell by the date specified, then the disposition of the property shall be as follows:					
X	Certain assets v	Certain assets will be liquidated as follows:					
	No assets will be liquidated. If this line is checked, the rest of §1.B need not be completed or reproduced.						
Check	k one of the follow	wing two lines.					

2.

- The Trustee will not make a partial payment. If the Debtor makes a partial plan
 payment, or if it is not paid on time and the Trustee is unable to pay timely a
 payment due on a claim in this section, the Debtor's cure of this default must
 include any applicable late charges.
- 2. If a mortgagee files a notice pursuant to Fed. R. Bankr.P.3002.1(b), the change in

the conduit payment to the Trustee will not require modification of this Plan.

В.	Mortgages (Including Claims Secured by Debtor's Principal Residence) and Other Direct Payments by Debtor. Check One.					
_X	None. If "None" is checked, the rest of §2.B need not be completed or reproduced.					
_	original contrac	e made by the Del t terms, and without contracting partie or the plan.	ut modification	n of those terms	unless otherwise	
Name	of Creditor	Description	of Collateral		Digits of Account umber	
	3					
C.	Arrears (Incluresidence). Ch	ding, but not limi	ted to, claims	s secured by De	btor's principal	
X_	None. If "None reproduced.	" is checked, the r	est of §2.C ne	eed not be compl	leted or	
	arrearages in the in an allowed cl otherwise order listed in this sec	all distribute to eace allowed proof of aim, they shall be ed, if relief from the tion, all payments ill no longer be pr	claim. If post paid in the am ne automatic s to the credito	t-petition arrears nount stated belo stay is granted as or as to that colla	s are not itemized ow. Unless s to any collateral	
Name of Creditor	Descripti Collatera		to be Per	timated Post- tition rears to be ired	Estimated Total to be paid in plan	

D. Other secured claims (conduit payments and claims for which a §506 valuation is not applicable, etc.)

None. If "None" is checked, the rest of §2.D need not be completed or reproduced.

- The claims below are secured claims for which a § 506 valuation is not applicable, and can include: (1) claims that were either (a) incurred within 910 dates of the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the Debtor, or (b) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value; (2) conduit payments; or (3) secured claims not provided elsewhere.
- 1. The allowed secured claims listed below shall be paid in full and their liens retained until completion of payments under the plan.
- 2. In addition to payment of the allowed secured claim, present value interest pursuant to 11 U.S.C. §1325(a)(5)(B)(ii) will be paid at the rate and in the amount listed below, unless an objection is raised. If an objection is raised, then the court will determine the present value interest rate and amount at the confirmation hearing.
- Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

Name of Creditor	Description of Collateral	Principal Balance of Claim	Interest Rate	Total to be Paid in Plan
City of Scranton c/o NE Revenue Service	309 Lincoln Ave., Scranton, PA 18504	\$4,299.03	10% \$907.00	\$5,206.03
City of Scranton Tax Office	309 Lincoln Ave., Scranton, PA 18504	\$5,392.40	10% \$1207.00	\$6,599.40
Lackawanna County Tax Claim Bur.	309 Lincoln Ave., Scranton, PA 18504	\$13,573.95	N/A	\$13,573.95
Jefferson Township Sewer Auth. c/o Portnoff Law Assoc.	79 West Shore Drive, Jefferson Township, PA 18436	\$10,246.82	10% \$1,115.17	\$0.00

10

Lackawanna County Tax Claim Bur.	79 West Shore Drive, Jefferson Township, PA 18436	\$7,517.62	N/A	\$0.00
PA Dept of Revenue	79 West Shore Drive, Jefferson Township, PA 18436	\$3,851.73	3% \$223.00	\$0.00
Portnoff Law Associates, LTD	79 West Shore Drive, Jefferson Township, PA 18436	\$16,624.88	10% \$1,821.34	\$0.00
Lackawanna County Tax Claim Bur.	219 Franklin St., Jermyn, PA	\$11,099.03	N/A	\$11,099.03
Lackawanna River Basin Sewer Auth.	219 Franklin St., Jermyn, PA	\$562.36	N/A	\$562.36
The Moosic Lakes Club	79 West Shore Drive, Jefferson Township, PA 18436	\$4900.00	N/A	\$0.00

E. <u>Secured claims for which §506 valuation is applicable.</u> Check one.

None. If "None" is checked, the rest of §2.E need not be completed or reproduced.

X Claims listed in the subsection are debts secured by property not described in §2.D of this plan. These claims will be paid in the plan according to modified terms, and liens retained until entry of discharge. The excess of the creditor's claim will be treated as an unsecured claim. Any claim listed as "\$0.00" or "NO VALUE" in the "Modified Principal Balance" column below will be treated as an unsecured claim. The liens will be avoided or limited through the plan or Debtor will file an adversary action (select method in last column). To the extent not already determined, the amount, extend or validity of the allowed secured claim for each claim listed below will be determined y he court at the confirmation hearing. Unless otherwise ordered, if the claimant notifies the Trustee tat the claim was paid, payments on the claim shall cease.

Name of Creditor	Description of Collateral	Value of Collateral (Modified Principal)	Interest Rate	Total Payment	Plan or Adversary Action
PNC Bank, N.A.	5 Moosic Lakes Jefferson Twp., PA	\$88,119.41	3.25% \$3,055.00	\$91,174.41	Plan
PNC Bank, NA.	219 Franklin St. Jermyn, PA 18433	\$59,728.36	3% \$2,756.00	\$62,484.36	Plan

F. Surrend	er of Collateral. Check one.
_X	None. If "None" is checked, the rest of §2.F need not be completed or reproduced.
	The Debtor elects to surrender to each creditor listed below the collateral that secures the creditor's claim. The Debtor requests that upon confirmation of this plan the stay under 11 U.S.C. §362(a) be terminated as to the collateral only and that the stay under §1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 4 below.

Name of Creditor	Description of Collateral to be Surrendered
	8 9

liens.	G. Check	Lien Avoidance. Do not use for mortgages or for statutory liens, such as tax one.
	<u>X</u>	None. If "None" is checked, the rest of §2.G need not be completed or reproduced.
		The Debtor moves to avoid the following judicial and/or nonpossessory, non-purchase money liens of the following creditors pursuant to §522(f) (this §should

not be used for statutory or consensual liens such as mortgages).

The name of the hol lien.	der of			
A description of the a judicial lien, incluand docket number.	de court			
A description of the property.	liened			
The value of the lies	ned			
The sum of senior li	iens			
The value of any ex claimed.	emption			
The amount of the l	ien.			
The amount of lien	voided.			
A. Administrative Claims 1. Trustee's Fees. Percentage fees payable to the Trustee will be paid at rate fixed by the United States Trustee. 2. Attorney's Fees. Complete only one of the following options:				
	a. In addition to the retainer of \$1,000.00 already paid by the Debtor, the amount of \$3,000.00 in the plan. This represents the unpaid balance of the presumptively reasonable fee specified in L.B.R. 2016-2(c); or			
*	E s	per hour, with the hourly rate to be adjusted in ecordance with the terms of the written fee agreement between the ebtor ands the attorney. Payment of such lodestar compensation hall require a separate fee application with the compensation opproved by the Court pursuant to L.B.R. 2016-2(b).		
3.	Other. C	ther administrative claims not included in §§ 3.A.1 or 3.A.2		

above. Check one of the following two lines.

	Name of Creditor		Estimated Total Payment
	Traine of Creditor		Dimited Total Laymone
			**
В.			not limited to, Domestic Support Obligation below). Check one of the following two limits are the control of the control of the following two limits are the control of the control
	None. If "None reproduced.	" is checke	ed, the rest of § 3.B need not be completed
			s, including domestic support obligations, 1322(a) will be paid in full unless modified
	Name of Creditor		Estimated Total Payment
	<u>E</u>		e ;
C.	X None. If "None reproduced The allowed prior obligation that has will be paid less	" is checked ority claims as been as a than the f	Check one of the following two lines. ed, the rest of § 3.C need not be completed on a listed below are based on a domestic supposigned to or is owed to a governmental unit full amount of the claim. This plan provision § 1.A. be for a term of 60 months (see 11 U.)
	Name of Creditor		Estimated Total Payment
	Di T		
-	ECURED CLAIMS		

	unsecur other, u the rate	ed claims, su nclassified, u	nch as co-sign nnsecured clai v. If no rate is	ble, the allowed unsecured ons. The claim stated, the int	debts, will b n shall be pa	aid interest at
Name o Credito		ial	Estimated Amount of Claim	Interest	STREET COURSE	Estimated otal Payment
	Remaining all funds remaining all funds remaining turns converge two lines. None. If "Nones."	ng after pay FRACTS All e" is checked	ment of othe ND UNEXPI I, the rest of §	r classes. RED LEASE 5 need not be	S. Check of	one of the
Name of Other	The following to be cured in to Description of Contract			Estimated Arrears	Total Plan	Assume or Reject
Party	or Lease	1,		71110415	Payment	
	1					
	1					
Prope	erty of the estate the applicable liplan confirmation entry of discharactoring of case.	will vest in ine: on.				
7. DISC (X) ()	HARGE: (Chec The debtor will The debtor is n received a disc	seek a disch ot eligible fo	r a discharge	because the de	btor has pre	eviously
f a pre-petition	ER OF DISTRI	secured, pri	ority or special	ally classified objection by tl	claim after the Debtor.	the bar date,

Payments from the plan will be made by the Trustee in the following order:

Level 1:	Adequate Protection Payments
Level 2:	Debtor's Attorney Fees
Level 3:	Domestic Support Obligations
Level 4:	Secured Claims, Pro Rata
Level 5:	Priority Claims, pro rata
Level 6:	Specially classified unsecured claims
Level 7:	Timely filed general unsecured claims
Level 8:	Untimely filed general unsecured claims to which Debtor has not objected

If the above Levels are filled in, the rest of § 8 need not be completed or reproduced. If the above Levels are not filled-in, then the order of distribution of plan payments will be determined by the Trustee using the following as a guide:

Level 1:	Adequate protection payments.
Level 2:	Debtor's attorney's fees.
Level 3:	Domestic Support Obligations.
Level 4:	Priority claims, pro rata.
Level 5:	Secured claims, pro rata.
Level 6:	Specially classified unsecured claims.
Level 7:	Fimely filed general unsecured claims.
Level 8:	Untimely filed general unsecured claims to which the Debtor has not objected.
	TA CONTRACTOR OF THE CONTRACTO

9. NONSTANDARD PLAN PROVISIONS

Include the additional provisions below or on an attachment. Any nonstandard provision placed elsewhere in the plan is void. (NOTE: The plan and any attachment must be filed as one document, not as a plan and exhibit.)

The following is a summary of the creditors and amounts to be paid by the Trustee pursuant to this Plan:

Chapter 13 Trustee	\$21,800.00(est.)
Tullio DeLuca, Esq.,	\$ 3,000.00
City of Scranton, c/o NE Revenue	\$ 5,206.03 (309 Lincoln Ave.)
City of Scranton Tax Office	\$ 6,599.40 (309 Lincoln Ave.)
Lackawanna County Tax Claim Bureau	\$13,573.95 (309 Lincoln Ave.)
Lackawanna County Tax Claim Bureau	\$11,099.03 (219 Franklin St.)
Lackawanna River Basin Sewer Auth	\$ 562.36 (219 Franklin St.)
PNC Bank	\$91,174.41 (5 Moosic Lakes)
PNC Bank	\$62,484.36 (219 Franklin St)
Unsecured Creditors-100%	\$ 23,474.07
Total:	\$ 238,973.61

*** Debtor shall sell 79 West Shore Dr., Jefferson Township, PA 18436 and all secured creditors shall be paid at the time of closing from the sale proceeds.

The Chapter 13 Trustee payment shall be made to the following address:

Jack N. Zaharopoulos Chapter 13 Trustee P.O. Box 6008 Memphis, TN 38101-6008

Dated: October 15, 2021

/s/Tullio DeLuca Attorney for Debtor

By filing this document, the debtor, if not represented by an attorney, or the Attorney for Debtor also certifies that this plan contains no nonstandard provisions other than those set out in §9.

AMERICAN HONDA FINANCE NATIONAL RECOVERY CENTER PO BOX 16469 IRVING, TX 75016

AMERICAN HONDA FINANCE PO BOX 168088 IRVING, TX 75016-8088 BRIGID E. CAREY, ESQ 3218 PITTSTON AVE PO BOX 3838 SCRANTON, PA 18505

BRIGED E CAREY, ESQ PO BOX 4466 SCRANTON, PA 18505 CITY OF SCRANTON C/O NORTHEAST REVENUE 340 N. WASHINGTON AVE ATTN: DELINQUENT TAXES SCRANTON, PA 185016 CITY OF SCRANTON C/O NORTHEAST REVENUE 340 N. WASHINGTON AVE ATTN: DELINQUENT WASTE DISPOSAL SCRANTON, PA 185016

CITY OF SCRANTON TAX OFFICE 1170 HIGHWAY 315, SUITE 5 PLAINS, PA 18702 CITY OF SCRANTON TREASURER ATTN: REFUSE DEPT 340 NORTH WASHINGTON AVE. SCRANTON PA 18503

COMMONWEALTH HEALTH PO BOX 1022 WIXOM, MI 48393-1022

CREDIT MANAGEMENT CO 2121 NOBLESTOWN RD PITTSBURGH, PA 15205 CREDIT MANAGEMENT CO 681 ANDERSEN DR FOSTER PLAZA 6 PITTSBURGH, PA 15220-2766

CREDIT MEDIATORS, INC PO BOX 456 UPPER DARBY, PA 19082-0456

Jack N. Zaharopoulos, ESQ 8125 ADAMS DR. SUITE A HUMMELSTOWN, PA 17036 DR SANDERSON 500 PARK ST BURKE BYPASS OLYPHANT, PA 18447

INTERMOUNTAIN MEDICAL GROUP 610 WYOMING AVE KINGSTON, PA 18704

Jefferson Township Sewer Authority c/o Portnoff Law Associates, Ltd. P.O. Box 3020 Norristown, PA 19404-3020 Jefferson Twp. c/o Portnoff Law Associates, LTD. 2700 Horizon Dr., Suite 100 King of Prussia, PA 19406-2726

Lackawanna County Tax Claim Bureau 123 Wyoming Ave Suite 267 Scranton, PA 18503-2029

Lackawanna River Basin Sewer Authority P.O. Box 280 Olyphant, PA 18447-0280

Marian Community Hospital 100 Lincoln Ave. Carbondale, PA 18407-2198 Moosic Lakes Club 25 Beach House Drive Jefferson Township, PA 18436-8803

Moses Taylor Hospital 700 Quincy Ave Attn: Justin Davis CEO Scranton, PA 18510-1798

National Recovery Agency 2491 Paxton Street Harrisburg, PA 17111-1036 North American Partners in Anesthesia P.O. Box 725 Melville, NY 11747-0725

North Pocono School District c/o Portnoff Law Associates, Ltd. P.O. Box 3020 Norristown, PA 19404-3020 Orion c/o PRA Receivables Management, LLC PO Box 41021 Norfolk, VA 23541-1021 Orion Portfolio Services, LLC c/o Recovery Management Systems Corp. 25 SE 2nd Ave., Ste. 1120 Miami, FL 33131-1605

Desc

PA American Water Co., P.O. Box 578 Alton, IL 62002-0578 PA Dept. of Revenue Bankruptcy Division Dept. 280946 Harrisburg, PA 17128-0496

PNC BANK N.A. PO BOX 94982 CLEVELAND, OH 44101-4982 PNC Bank, N.A. 3232 Newmark Drive Miamisburg, OH 45342-5421 PPL Electric Utilities 827 Hausman Rd. Allentown, PA 18104-9392 PRA Receivables Management, LLC PO Box 41021 Norfolk, VA 23541-1021

Patel Retina Institute 210 N. State St. Clarks Summit, PA 18411-1008 Pennsylvania Department of Revenue Bankruptcy Division PO Box 280946 Harrisburg, PA 17128-0946 Physicians Health Alliance P.O. Box 618 Dunmore, PA 18512-0618

Portnoff Law Associates, Ltd 2700 Horizon Dr., Suite 100 King of Prussia, PA 19406-2726 Professional Account Svcs. P.O. Box 188 Brentwood, TN 37024-0188 Radiological Consultants 751 Keystone Indust. Park Dunmore, PA 18512-1511

Regional Hospital of Scranton 746 Jefferson Ave. Scranton, PA 18510-1624 Regional Hospital of Scranton C/O PASI P.O. BOX 188 BRENTWOOD, TN 37024-0188

Rosenn, Jenkins & Greenwald, L.L.P. 15 South Franklin St. Wilkes-Barre, PA 18711-0075

SRA Associates 401 Minnetonka Rd. Hi Nella, NJ 08083-2914 Scranton Cardiovascular Physician 746 Jefferson Ave. Scranton, PA 18510 The Moosic Lakes Club 25 Beachhouse Rd. Jefferson Twp., PA 18436

Trident Asset Management 53 Perimeter Center East, Ste 440 Atlanta, GA 30346

United States Trustee 228 Walnut St., Suite 1190 Harrisburg, PA 17101-1722 Verizon by American Infosource as agent PO Box 4457 Houston, TX 77210-4457

James Warmbrodt, Esq 701 Market St., Suite 5000 Philadelphia, PA 19106 Wells Fargo Bank, NA Wells Fargo Card Services PO Box 10438 MAC F8235-02F Des Moines, IA 50306-0438

Wells Fargo Financial 4143 121st Street Urbandale, IA 50323-2310

Desc

James Randolph, Esq. Portnoff Law Associates 2700 Horizon Dr. Suite 100 King of Prussia, PA 19406